

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawaii 96813

April 27, 2007

Board of Land and  
Natural Resources  
Honolulu, Hawaii

REQUEST FOR FINAL APPROVAL OF TEMPORARY FIVE-MONTH CLOSURE TO  
BOTTOMFISHING FOR ALL STATE MARINE WATERS SURROUNDING EXISTING  
BOTTOMFISH RESTRICTED FISHING AREAS WITHIN THE MAIN HAWAIIAN  
ISLANDS

Submitted for your consideration is a request for final approval of a temporary five-month closure from May 1 to September 30, 2007 to bottomfishing for all State marine waters within the main Hawaiian Islands (Hawaii to Niihau/Kaula Rock) not currently held with Bottomfish Restricted Fishing Areas (BRFAs). This temporary closure would complement a concurrent federal interim measure closing all federal waters in the main Hawaiian Islands to bottomfishing during the same time.

This action is in response to a declared state of overfishing of bottomfish species in the main Hawaiian Islands. On May 27, 2005, The National Marine Fisheries Service (NMFS) regional administrator notified the Western Pacific Fisheries Management Council (Council) and the State that overfishing of the bottomfish species complex was occurring in the main Hawaiian Islands, and that under the provisions of the federal Magnuson-Stevens Fishery Conservation and Management Act, both agencies were required to develop a mutually acceptable plan by May 2006 to end overfishing. At that time, the NMFS had calculated that a minimum of 15% fishing reduction above current levels was needed to end overfishing, based on an analysis of catch data through the year 2003. The Department responded by modifying its bottomfish restricted fishing areas so as to protect sufficient habitat from fishing pressure to meet the 15% mortality reduction target. Analysis by Department staff, as well as an independent analysis by the NOAA Pacific Islands Fishery Science Center, indicates that these modifications to the existing State BRFAs were sufficient to meet this reduction. These modified BRFAs were approved by the Board at its December 8, 2006 meeting.

Subsequent to this, the NMFS analyzed additional catch data through the year 2004, and revised its bottomfish stock assessment, concluding that a 24% reduction is now needed to end overfishing. At the most recent Council meeting in March 2007, recommendations were made to

meet this overfishing objective by implementing an interim closure of all waters in the main Hawaiian Islands to bottomfishing during the months of May–September 2007 inclusive. Because an interim closure in federal waters would be unenforceable unless mirrored by a concurrent closure in State waters, the Assistant Administrator for Fisheries of the NMFS, Dr. William T. Hogarth, has written a letter to the DLNR specifically requesting the State to put in place such a congruent closure for the summer of 2007 (attached).

The broader suite of federal measures being developed for this fishery over the next 18 months will require other complementary State actions, including a temporary closure of State waters surrounding existing BRFAs in the main Hawaiian Islands during summer 2008, changes to the commercial marine license reporting requirements for bottomfishing, implementation of a fishery monitoring tool known as a Total Allowable Catch (an annual quota-based monitoring process), implementation of a federal recreational bottomfishing license and reporting, and recreational bag limits for all bottomfish species. However the Department anticipates having sufficient time to make these other changes through the typical administrative rulemaking process.

The attached maps (see Exhibits A1–A5) identify the extent of State waters to be closed from May 1–September 30, 2007. The areas delineated in orange-and-white hatching on the main Hawaiian Islands map (see Exhibit 1A), and further detailed on a series of larger scale maps (see Exhibits A2–A5), are existing closed Bottomfish Restricted Fishing Areas; these BRFAs remain closed, with the new action proposed herein closing all additional State waters surrounding them for a period of 5 months. Upon approval, the maps will be filed with the Office of the Lieutenant Governor.

**RECOMMENDATION:**

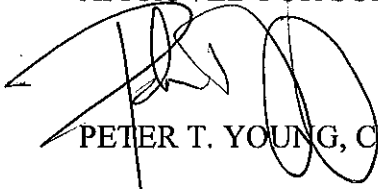
“That the Board approval the temporary 5 month closure of bottomfishing in all State marine waters surrounding existing Bottomfishing Restricted Fishing Areas the main Hawaiian Islands.”

Respectfully submitted,



DAN A. POLHEMUS, Administrator

**APPROVED FOR SUBMITTAL:**



PETER T. YOUNG, CHAIRPERSON

Attachments: NOAA letter

Map, Exhibit A (consisting of maps A1–A5), for HAR 13-94 Bottomfish Management



58950  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910

THE DIRECTOR

APR - 5 2007

Mr. Peter Young  
Chair, Board of Land and Natural Resources  
State of Hawaii  
1151 Punchbowl Street, Room 100  
Honolulu, Hawaii 96813

Dear Mr. <sup>Peter</sup>Young:

I am writing to follow-up on our meeting last week to reiterate my request that the State of Hawaii assist NOAA's National Marine Fisheries Service (NMFS) to implement interim regulations to end overfishing of bottomfish in the Hawaiian archipelago, particularly the main Hawaiian Islands. Specifically, all State and federal waters need to be closed to the harvest by commercial and recreational fishers of seven bottomfish species including onaga, ehu, gindai, opakapaka, kalekale, lehi and hapuupuu (deep-7 bottomfish species) from May 1 through September 30 of this year. The State closure would complement a closure of all federal waters to the harvest of deep-7 bottomfish species recommended by the Western Pacific Fishery Management Council (Council) to be implemented by NMFS.

These joint closures are necessary to begin immediately to address a serious overfishing problem for these stocks within the Hawaiian archipelago, and in particular, the main Hawaiian Islands, while we work cooperatively to implement a longer term management regime.

In 2005, NMFS, on behalf of the Secretary of Commerce, determined that overfishing was occurring on the deep-7 bottomfish stock complex in the Hawaiian Archipelago, with the primary problem being excess fishing effort in the main Hawaiian Islands. At that time, NMFS estimated that a reduction in fishing mortality of at least 15% was needed to end the overfishing, as required by the Magnuson-Stevens Fisheries Conservation and Management Act. In response, the Council adopted a recommendation to prohibit fishing for the deep-7 bottomfish species in federal waters around Penguin Bank and Middle Bank in the main Hawaiian Islands. Concurrently, the State of Hawaii continued to move forward with revising its existing Bottomfish Restricted Fishing Areas.

However, before any of these measures could take effect, NOAA's Pacific Islands Fisheries Science Center's revised bottomfish stock assessment indicated that a 24% reduction in fishing mortality is now required to end overfishing. Additionally, a new Science Center analysis indicated that the potential effectiveness of the proposed closures was less than previously thought.

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



Consequently, the Council, at its most recent meeting, recommended that the State and NMFS implement parallel emergency or interim regulations to close both state and federal waters to the harvest of the deep-7 bottomfish species from May 1 through September 30 of this year while we work cooperatively to implement the appropriate management regime for future years.

NMFS is currently preparing interim regulations which, if implemented, will establish the recommended 5-month closure in federal waters. This federal closure will not achieve its objective without a joint closure of adjacent State waters. Thus, I am requesting that the Department of Land and Natural Resources (DLNR) follow suit and implement the companion closure. This 5-month closure would not affect the DLNR's planned implementation of revised Bottomfish Restricted Fishing Areas.

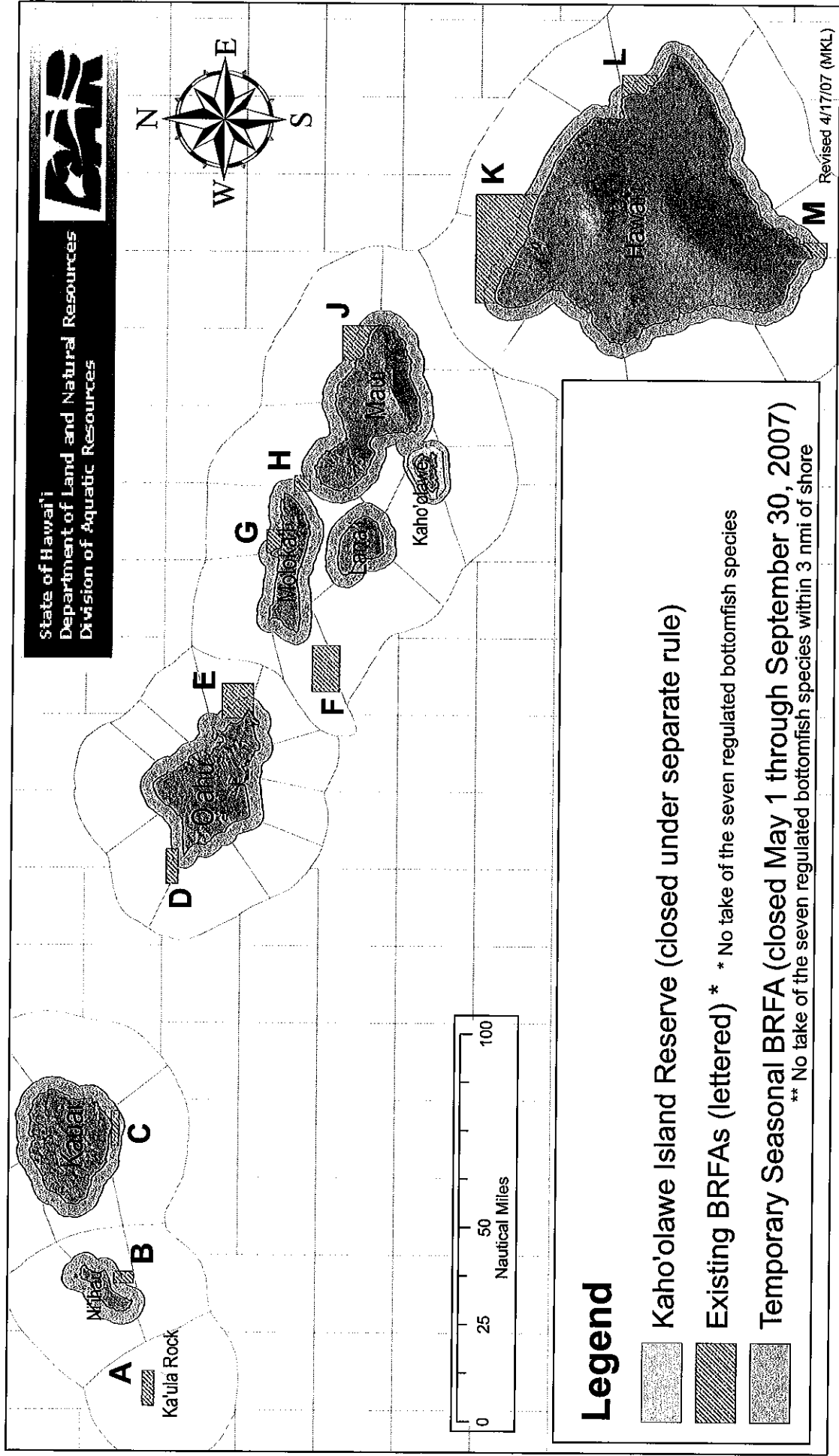
Please work closely with the NMFS Pacific Islands Regional Administrator, Bill Robinson, to coordinate implementation of the closure. The exercise of good stewardship of our valuable fishery resources requires that we work cooperatively to protect them from further overfishing. I look forward to the continuation of our productive and collaborative relationship with the State of Hawaii in addressing this important issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill", is written above the typed name.

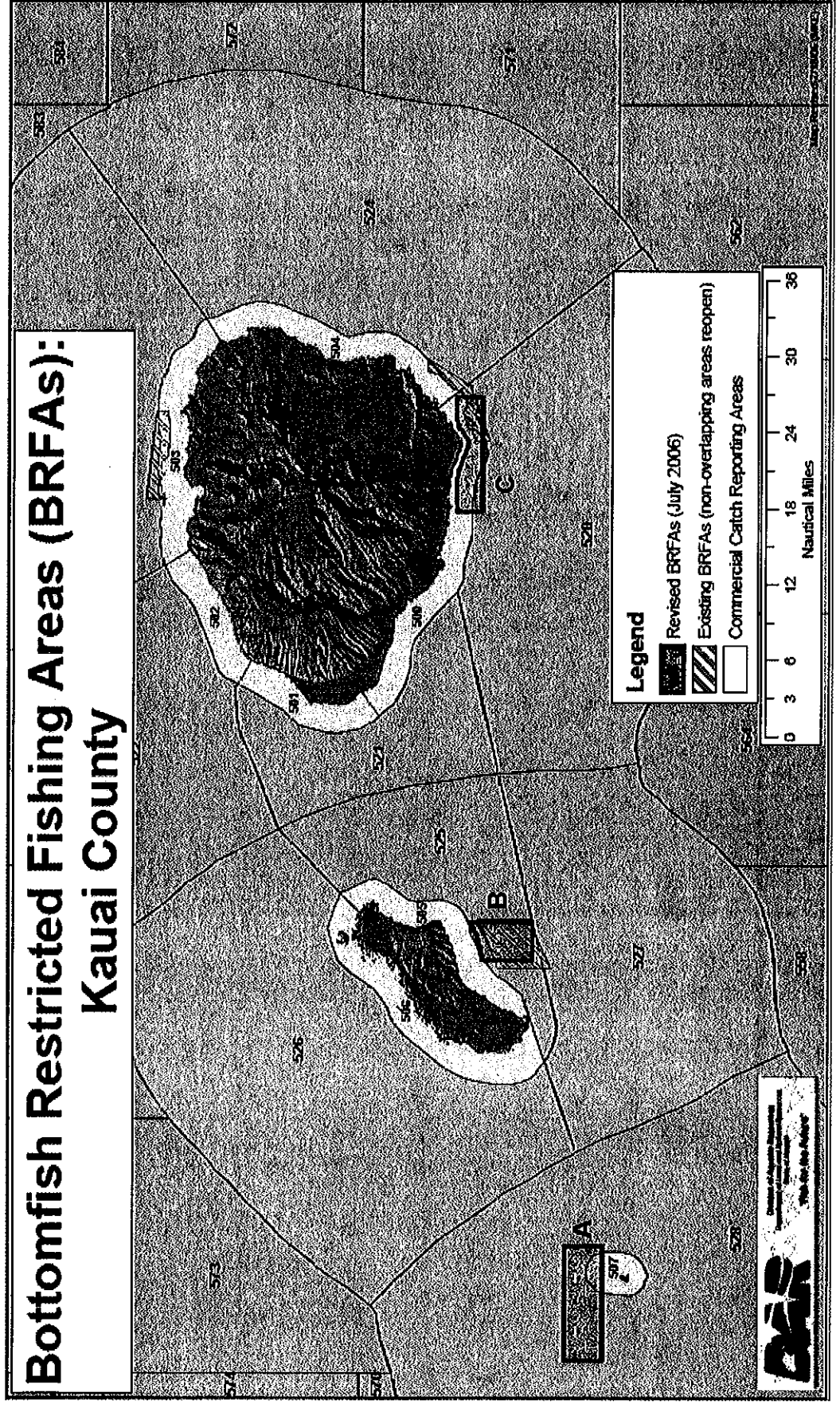
William T. Hogarth, Ph.D.  
Assistant Administrator for Fisheries

# Exhibit A: Bottomfish Restricted Fishing Areas (BRFAs) 4/27/07

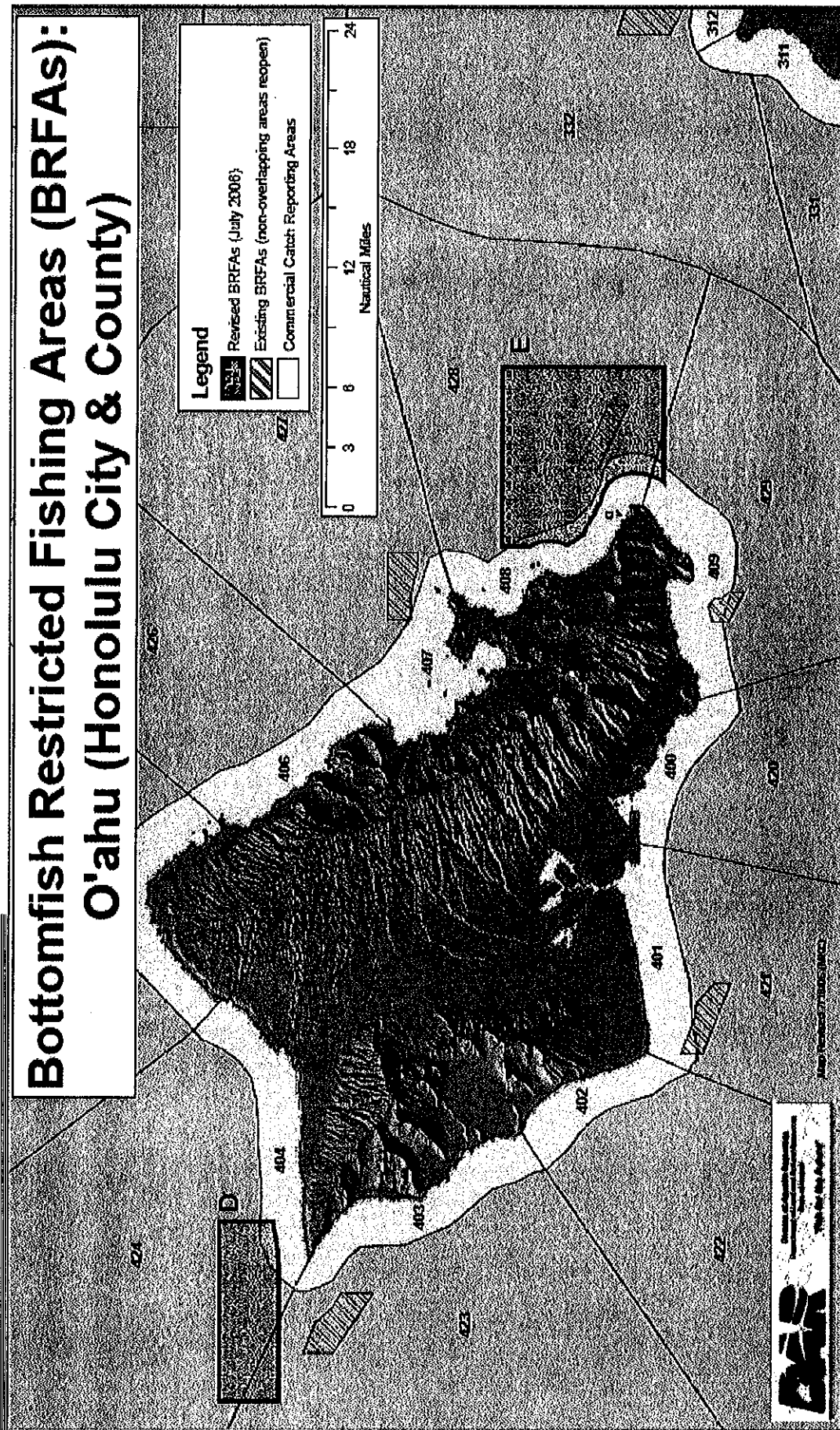


# Kauai BRFAs

## Bottomfish Restricted Fishing Areas (BRFAs): Kauai County

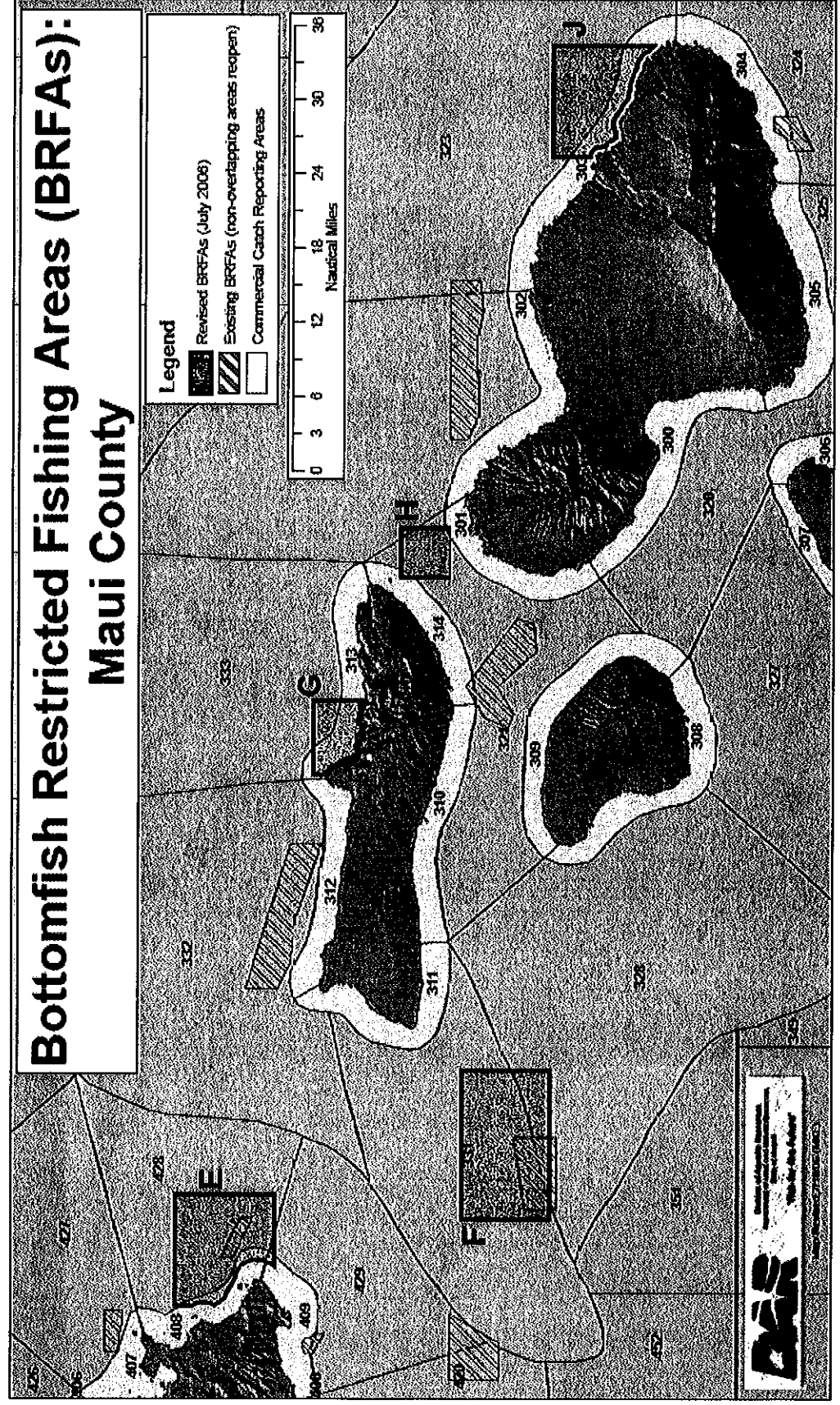


# Bottomfish Restricted Fishing Areas (BRFAs): O'ahu (Honolulu City & County)





# Maui County BRFAs





# Hawaii BRFAs

